

AMENDMENT UNDER 37 C.F.R. § 1.116
Application Serial No. 09/487,239
Attorney Docket No. Q57646

REMARKS

Upon entry of the present Amendment, claims 6 and 9-12 are all the claims pending in the application. Claim 6 is amended. Claim 8 is cancelled without prejudice or disclaimer. No new matter is presented.

Claims 6 and 8-12 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dauber et al. (U.S. Patent No. 5,538,545, hereinafter “Dauber”) in view of Takiguchi et al (U.S. Patent No. 5,804,074, hereinafter “Takiguchi”) and Harada et al (U.S. Patent No. 5,234,751, hereinafter “Harada”). Applicant respectfully traverses.

Initially, Applicant notes that claim 6 is presently amended to incorporate the subject matter of claim 8, which is cancelled without prejudice or disclaimer. Thus, claim 6 defines a container holding an adsorbent, the container being made of, *inter alia*, at least two laminates joined to each other, wherein each laminate comprises an ultra high molecular weight polyolefin porous film and a polytetrafluoroethylene porous film. Claim 6 further recites the features of the polytetrafluoroethylene porous film has an average pore size of 0.2 to 1.5 μm and a porosity of 60 to 95% and at least a part of said laminate is formed into a non-planar shape.

In the grounds of rejection, the Examiner relies of initially relies on Dauber, which is alleged to teach “a sorbent filter comprising at least one support layer 41, 44; at least one filter layer 42, 43; and an inner sorbent core 48.” *See* Office Action at page 2. The Examiner concedes that Dauber fails to teach a laminate comprising ultra high molecular weight polyolefin porous film, and alleges that Takiguchi teaches this feature. *See* Office Action at pages 2-3. Further, the Examiner concedes that Dauber in view of Takiguchi fails to teach or suggest the

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claimed average pore size and porosity, but alleges that Harada teaches a polytetrafluoroethylene porous film having an average pore size of 0.2 to 1.5 μm and a porosity of 60 to 95%. *See* Office Action at page 3.

However, the Examiner has not identified the limitation of “at least a part of said laminate is formed into a non-planar shape”, as previously recited by claim 8. In this regard, Applicant notes that exemplary embodiments of the non-planar shaped laminate are described in the specification of the present application, for example, at page 4, lines 24-26, page 9, line 23 - page 10, line 15, and page 12, lines 7-10. Thus, Applicant submits that the Examiner has not properly identified all the limitations of claim 6, as presently recited, and claim 6 should be allowed *at least* because the feature of “at least a part of said laminate is formed into a non-planar shape”, as claimed, is not taught or suggested by the combination of Dauber, Takiguchi and Harada.

Accordingly, reconsideration and withdrawal of the rejection of claim 6 is requested. Further, in the event that the Examiner maintains the present grounds of rejection, the Examiner is kindly requested to specifically identify how each claim limitation is allegedly met by the applied art.

Claims 9-12 are believed to be allowable at least by virtue of their dependency.

As noted above, claim 6 is amended to incorporate the subject matter of claim 8. Thus, entry and consideration of the present Amendment should not raise new issues.

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Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Brian K. Shelton
Registration No. 50,245

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

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